

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RAYMOND SHANE GREENE,

Plaintiff,

vs.

WESLEY S. PIPES, *et al.*,

Defendants.

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CIV. A. NO. 24-0122-KD-N

ORDER

This action is before the Court on the application for certificate of appealability and notice of appeal filed by Plaintiff Raymond Shane Green (doc. 20).

The application for certificate of appealability is MOOT. A certificate of appealability is not required to appeal an action brought pursuant to 42 U.S.C. § 1983. Israel v. Dep't of Children & Families, No. 17-10427-G, 2017 WL 11622132, at *1 (11th Cir. June 16, 2017) (denying Israel's motion for COA in a Section 1983 action as unnecessary and citing 28 U.S.C. § 2253(c)(1) which states that a COA is required for final orders in habeas corpus proceedings and final orders in proceedings under 28 U.S.C. § 2255).

However, Greene filed his notice of appeal without prepaying the \$605.00 appellate filing. Therefore, the Court construes his notice of appeal as a request for leave to appeal in forma pauperis. See Ritter v. Speakman, 2023 WL 7475732 (M.D. Ala. 2023). Previously, Greene's motion to proceed without prepayment of fees was granted (doc. 5). The Magistrate Judge discussed Green's history of IFP status in his state court proceedings and that his 2022-2023 inmate account statement reflected a monthly average balance of 63 cents and a monthly deposit balance \$1.66. Although Greene was unable to provide a 2024 inmate account

statement, the Magistrate Judge granted his motion.

Now, approximately two years have lapsed since Greene provided an inmate account statement. Accordingly, **Greene shall file a current inmate account statement on or before May 28, 2025.**

The Clerk is directed to mail a copy of this Order to

Raymond S. Greene
AIS # 302426
Fountain Correctional Facility
Fountain 3800
Atmore, Alabama 36503

DONE this the 28th day of April 2025.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE